

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CR6 HEA
)	
FERDINAND McGUIRE,)	
)	
Defendant.)	

ORDER

This matter is before the Court on remand from the Eighth Circuit Court of Appeals for an Order explaining the Court's reasoning for denying Defendant's Motion for Retroactive Reduction of Sentence pursuant to the Amended Sentencing Guidelines.

Defendant and his attorney signed a written Plea Agreement.¹ In this Agreement, Defendant admitted that he knowingly violated 21 U.S.C. § 841(a). He further agreed that he was accountable for the quantity of 5.19 grams of cocaine base. Furthermore, on May 10, 2007, Defendant admitted in open court, under oath, that he was guilty of violating 21 U.S.C. § 841(a).

¹ Defendant and his attorney's signatures are dated May 11, 2007. This appears to be an error in that the Change of Plea hearing was held on May 10, 2007, at which time the Court inquired of Defendant whether his signature appeared on the Plea Agreement.

The mandatory minimum term of imprisonment pursuant to the statute was 5 years. The statutorily required term of supervised release was 4 years. The defendant received a sentence of 60 months imprisonment, *i.e.*, 5 years, the mandatory minimum term, followed by a 4 year term of supervised release on July 26, 2007. As such, Defendant is not eligible for a reduction in his sentence based on the 2007 guidelines amendment.

Dated this 24th day of April, 2008.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE